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AMENDED IN ASSEMBLY JANUARY 6, 2014
AMENDED IN ASSEMBLY APRIL 17, 2013
AMENDED IN ASSEMBLY APRIL 10, 2013
AMENDED IN ASSEMBLY FEBRUARY 20, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 134

Introduced by ~~Assembly Members~~ *Assembly Member Logue and Gray*
(Principal coauthor: Assembly Member Cooley)
(Principal coauthor: Senator Fuller)
(Coauthor: Assembly Member Mansoor)

January 16, 2013

An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as amended, Logue. The California Public Records Act: applications for licenses and licenses to carry firearms.

Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and every person has a right to inspect any public record, except as provided. However, existing law provides that nothing in the act shall be construed to require disclosure of information contained in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable

to attack or that concerns the applicant's medical or psychological history or that of members of his or her family. Existing law also provides that the provisions shall not be construed to require disclosure of the home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses or in licenses to carry firearms, as specified.

This bill would instead provide that the California Public Records Act shall not be construed to require the disclosure of the home addresses and telephone numbers of applicants that are set forth in applications to carry firearms or of licensees that are set forth in licenses to carry firearms, as specified. This bill would also prohibit this provision from being construed as prohibiting the disclosure of public records relating to the reason an application for a license to carry a firearm was granted or denied, as specified. Because this bill would increase the duties of county sheriffs and the chiefs or other heads of police departments that issue firearms license applications, this bill would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes to these provisions.

Existing constitutional provisions require that a statute that limits the right of access to public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254 of the Government Code is amended
2 to read:

1 6254. Except as provided in Sections 6254.7 and 6254.13,
2 nothing in this chapter shall be construed to require disclosure of
3 records that are any of the following:

4 (a) Preliminary drafts, notes, or interagency or intra-agency
5 memoranda that are not retained by the public agency in the
6 ordinary course of business, if the public interest in withholding
7 those records clearly outweighs the public interest in disclosure.

8 (b) Records pertaining to pending litigation to which the public
9 agency is a party, or to claims made pursuant to Division 3.6
10 (commencing with Section 810), until the pending litigation or
11 claim has been finally adjudicated or otherwise settled.

12 (c) Personnel, medical, or similar files, the disclosure of which
13 would constitute an unwarranted invasion of personal privacy.

14 (d) Contained in or related to any of the following:

15 (1) Applications filed with any state agency responsible for the
16 regulation or supervision of the issuance of securities or of financial
17 institutions, including, but not limited to, banks, savings and loan
18 associations, industrial loan companies, credit unions, and
19 insurance companies.

20 (2) Examination, operating, or condition reports prepared by,
21 on behalf of, or for the use of, any state agency referred to in
22 paragraph (1).

23 (3) Preliminary drafts, notes, or interagency or intra-agency
24 communications prepared by, on behalf of, or for the use of, any
25 state agency referred to in paragraph (1).

26 (4) Information received in confidence by any state agency
27 referred to in paragraph (1).

28 (e) Geological and geophysical data, plant production data, and
29 similar information relating to utility systems development, or
30 market or crop reports, that are obtained in confidence from any
31 person.

32 (f) Records of complaints to, or investigations conducted by,
33 or records of intelligence information or security procedures of,
34 the office of the Attorney General and the Department of Justice,
35 the Office of Emergency Services and any state or local police
36 agency, or any investigatory or security files compiled by any other
37 state or local police agency, or any investigatory or security files
38 compiled by any other state or local agency for correctional, law
39 enforcement, or licensing purposes. However, state and local law
40 enforcement agencies shall disclose the names and addresses of

1 persons involved in, or witnesses other than confidential informants
2 to, the incident, the description of any property involved, the date,
3 time, and location of the incident, all diagrams, statements of the
4 parties involved in the incident, the statements of all witnesses,
5 other than confidential informants, to the victims of an incident,
6 or an authorized representative thereof, an insurance carrier against
7 which a claim has been or might be made, and any person suffering
8 bodily injury or property damage or loss, as the result of the
9 incident caused by arson, burglary, fire, explosion, larceny,
10 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
11 by subdivision (b) of Section 13951, unless the disclosure would
12 endanger the safety of a witness or other person involved in the
13 investigation, or unless disclosure would endanger the successful
14 completion of the investigation or a related investigation. However,
15 nothing in this division shall require the disclosure of that portion
16 of those investigative files that reflects the analysis or conclusions
17 of the investigating officer.

18 Customer lists provided to a state or local police agency by an
19 alarm or security company at the request of the agency shall be
20 construed to be records subject to this subdivision.

21 Notwithstanding any other provision of this subdivision, state
22 and local law enforcement agencies shall make public the following
23 information, except to the extent that disclosure of a particular
24 item of information would endanger the safety of a person involved
25 in an investigation or would endanger the successful completion
26 of the investigation or a related investigation:

27 (1) The full name and occupation of every individual arrested
28 by the agency, the individual's physical description including date
29 of birth, color of eyes, color of hair, sex, height, weight, the time
30 and date of arrest, the time and date of booking, the location of
31 the arrest, the factual circumstances surrounding the arrest, the
32 amount of bail set, the time and manner of release or the location
33 where the individual is currently being held, and all charges the
34 individual is being held upon, including any outstanding warrants
35 from other jurisdictions and parole or probation holds.

36 (2) Subject to the restrictions imposed by Section 841.5 of the
37 Penal Code, the time, substance, and location of all complaints or
38 requests for assistance received by the agency and the time and
39 nature of the response thereto, including, to the extent the
40 information regarding crimes alleged or committed or any other

1 incident investigated is recorded, the time, date, and location of
2 occurrence, the time and date of the report, the name and age of
3 the victim, the factual circumstances surrounding the crime or
4 incident, and a general description of any injuries, property, or
5 weapons involved. The name of a victim of any crime defined by
6 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
7 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
8 286, 288, 288a, 288.2, 288.3 (as added by Section 6 of Proposition
9 83 of the November 7, 2006, statewide general election), 288.4,
10 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the
11 Penal Code may be withheld at the victim's request, or at the
12 request of the victim's parent or guardian if the victim is a minor.
13 When a person is the victim of more than one crime, information
14 disclosing that the person is a victim of a crime defined in any of
15 the sections of the Penal Code set forth in this subdivision may be
16 deleted at the request of the victim, or the victim's parent or
17 guardian if the victim is a minor, in making the report of the crime,
18 or of any crime or incident accompanying the crime, available to
19 the public in compliance with the requirements of this paragraph.
20 (3) Subject to the restrictions of Section 841.5 of the Penal Code
21 and this subdivision, the current address of every individual
22 arrested by the agency and the current address of the victim of a
23 crime, where the requester declares under penalty of perjury that
24 the request is made for a scholarly, journalistic, political, or
25 governmental purpose, or that the request is made for investigation
26 purposes by a licensed private investigator as described in Chapter
27 11.3 (commencing with Section 7512) of Division 3 of the Business
28 and Professions Code. However, the address of the victim of any
29 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
30 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
31 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Section
32 6 of Proposition 83 of the November 7, 2006, statewide general
33 election), 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9,
34 or 647.6 of the Penal Code shall remain confidential. Address
35 information obtained pursuant to this paragraph may not be used
36 directly or indirectly, or furnished to another, to sell a product or
37 service to any individual or group of individuals, and the requester
38 shall execute a declaration to that effect under penalty of perjury.
39 Nothing in this paragraph shall be construed to prohibit or limit a

1 scholarly, journalistic, political, or government use of address
2 information obtained pursuant to this paragraph.

3 (g) Test questions, scoring keys, and other examination data
4 used to administer a licensing examination, examination for
5 employment, or academic examination, except as provided for in
6 Chapter 3 (commencing with Section 99150) of Part 65 of Division
7 14 of Title 3 of the Education Code.

8 (h) The contents of real estate appraisals or engineering or
9 feasibility estimates and evaluations made for or by the state or
10 local agency relative to the acquisition of property, or to
11 prospective public supply and construction contracts, until all of
12 the property has been acquired or all of the contract agreement
13 obtained. However, the law of eminent domain shall not be affected
14 by this provision.

15 (i) Information required from any taxpayer in connection with
16 the collection of local taxes that is received in confidence and the
17 disclosure of the information to other persons would result in unfair
18 competitive disadvantage to the person supplying the information.

19 (j) Library circulation records kept for the purpose of identifying
20 the borrower of items available in libraries, and library and museum
21 materials made or acquired and presented solely for reference or
22 exhibition purposes. The exemption *described* in this subdivision
23 shall not apply to records of fines imposed on the borrowers.

24 (k) Records, the disclosure of which is exempted or prohibited
25 pursuant to federal or state law, including, but not limited to,
26 provisions of the Evidence Code relating to privilege.

27 (l) Correspondence of and to the Governor or employees of the
28 Governor's office or in the custody of or maintained by the
29 Governor's Legal Affairs Secretary. However, public records shall
30 not be transferred to the custody of the Governor's Legal Affairs
31 Secretary to evade the disclosure provisions of this chapter.

32 (m) In the custody of or maintained by the Legislative Counsel,
33 except those records in the public database maintained by the
34 Legislative Counsel that are described in Section 10248.

35 (n) Statements of personal worth or personal financial data
36 required by a licensing agency and filed by an applicant with the
37 licensing agency to establish his or her personal qualification for
38 the license, certificate, or permit applied for.

39 (o) Financial data contained in applications for financing under
40 Division 27 (commencing with Section 44500) of the Health and

1 Safety Code, where an authorized officer of the California Pollution
2 Control Financing Authority determines that disclosure of the
3 financial data would be competitively injurious to the applicant
4 and the data is required in order to obtain guarantees from the
5 United States Small Business Administration. The California
6 Pollution Control Financing Authority shall adopt rules for review
7 of individual requests for confidentiality under this section and for
8 making available to the public those portions of an application that
9 are subject to disclosure under this chapter.

10 (p) Records of state agencies related to activities governed by
11 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
12 (commencing with Section 3525), and Chapter 12 (commencing
13 with Section 3560) of Division 4, that reveal a state agency's
14 deliberative processes, impressions, evaluations, opinions,
15 recommendations, meeting minutes, research, work products,
16 theories, or strategy, or that provide instruction, advice, or training
17 to employees who do not have full collective bargaining and
18 representation rights under these chapters. Nothing in this
19 subdivision shall be construed to limit the disclosure duties of a
20 state agency with respect to any other records relating to the
21 activities governed by the employee relations acts referred to in
22 this subdivision.

23 (q) (1) Records of state agencies related to activities governed
24 by Article 2.6 (commencing with Section 14081), Article 2.8
25 (commencing with Section 14087.5), and Article 2.91
26 (commencing with Section 14089) of Chapter 7 of Part 3 of
27 Division 9 of the Welfare and Institutions Code, that reveal the
28 special negotiator's deliberative processes, discussions,
29 communications, or any other portion of the negotiations with
30 providers of health care services, impressions, opinions,
31 recommendations, meeting minutes, research, work product,
32 theories, or strategy, or that provide instruction, advice, or training
33 to employees.

34 (2) Except for the portion of a contract containing the rates of
35 payment, contracts for inpatient services entered into pursuant to
36 these articles, on or after April 1, 1984, shall be open to inspection
37 one year after they are fully executed. If a contract for inpatient
38 services that is entered into prior to April 1, 1984, is amended on
39 or after April 1, 1984, the amendment, except for any portion
40 containing the rates of payment, shall be open to inspection one

1 year after it is fully executed. If the California Medical Assistance
2 Commission enters into contracts with health care providers for
3 other than inpatient hospital services, those contracts shall be open
4 to inspection one year after they are fully executed.

5 (3) Three years after a contract or amendment is open to
6 inspection under this subdivision, the portion of the contract or
7 amendment containing the rates of payment shall be open to
8 inspection.

9 (4) Notwithstanding any other law, the entire contract or
10 amendment shall be open to inspection by the Joint Legislative
11 Audit Committee and the Legislative Analyst's Office. The
12 committee and that office shall maintain the confidentiality of the
13 contracts and amendments until the time a contract or amendment
14 is fully open to inspection by the public.

15 (r) Records of Native American graves, cemeteries, and sacred
16 places and records of Native American places, features, and objects
17 described in Sections 5097.9 and 5097.993 of the Public Resources
18 Code maintained by, or in the possession of, the Native American
19 Heritage Commission, another state agency, or a local agency.

20 (s) A final accreditation report of the Joint Commission on
21 Accreditation of Hospitals that has been transmitted to the State
22 Department of Health Care Services pursuant to subdivision (b)
23 of Section 1282 of the Health and Safety Code.

24 (t) Records of a local hospital district, formed pursuant to
25 Division 23 (commencing with Section 32000) of the Health and
26 Safety Code, or the records of a municipal hospital, formed
27 pursuant to Article 7 (commencing with Section 37600) or Article
28 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
29 Division 3 of Title 4 of this code, that relate to any contract with
30 an insurer or nonprofit hospital service plan for inpatient or
31 outpatient services for alternative rates pursuant to Section 10133
32 of the Insurance Code. However, the record shall be open to
33 inspection within one year after the contract is fully executed.

34 (u) (1) Information contained in applications for licenses to
35 carry firearms issued pursuant to Section 26150, 26155, 26170,
36 or 26215 of the Penal Code by the sheriff of a county or the chief
37 or other head of a municipal police department that indicates when
38 or where the applicant is vulnerable to attack or that concerns the
39 applicant's medical or psychological history or that of members
40 of his or her family.

1 (2) The home addresses and telephone numbers of applicants
2 that are set forth in applications for licenses to carry firearms issued
3 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
4 Code by the sheriff of a county or the chief or other head of a
5 municipal police department.

6 (3) The home addresses and telephone numbers of licensees
7 that are set forth in licenses to carry firearms issued pursuant to
8 Section 26150, 26155, 26170, or 26215 of the Penal Code by the
9 sheriff of a county or the chief or other head of a municipal police
10 department.

11 (4) This section shall not be construed as prohibiting the
12 disclosure of public records relating to the reason an application
13 for a license to carry a firearm pursuant to Section 26150, 26155,
14 26170, or 26215 of the Penal Code was granted or denied.

15 (v) (1) Records of the Managed Risk Medical Insurance Board
16 that are related to activities governed by Part 6.3 (commencing
17 with Section 12695), Part 6.5 (commencing with Section 12700),
18 Part 6.6 (commencing with Section 12739.5), and Part 6.7
19 (commencing with Section 12739.70) of Division 2 of the
20 Insurance Code, and that reveal any of the following:

21 (A) The deliberative processes, discussions, communications,
22 or any other portion of the negotiations with entities contracting
23 or seeking to contract with the board, entities with which the board
24 is considering a contract, or entities with which the board is
25 considering or enters into any other arrangement under which the
26 board provides, receives, or arranges services or reimbursement.

27 (B) The impressions, opinions, recommendations, meeting
28 minutes, research, work product, theories, or strategy of the board
29 or its staff, or records that provide instructions, advice, or training
30 to employees.

31 (2) (A) Except for the portion of a contract that contains the
32 rates of payment, contracts entered into pursuant to Part 6.3
33 (commencing with Section 12695), Part 6.5 (commencing with
34 Section 12700), Part 6.6 (commencing with Section 12739.5), or
35 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
36 Insurance Code, on or after July 1, 1991, shall be open to inspection
37 one year after their effective dates.

38 (B) If a contract that is entered into prior to July 1, 1991, is
39 amended on or after July 1, 1991, the amendment, except for any

1 portion containing the rates of payment, shall be open to inspection
2 one year after the effective date of the amendment.

3 (3) Three years after a contract or amendment is open to
4 inspection pursuant to this subdivision, the portion of the contract
5 or amendment containing the rates of payment shall be open to
6 inspection.

7 (4) Notwithstanding any other law, the entire contract or
8 amendments to a contract shall be open to inspection by the Joint
9 Legislative Audit Committee. The committee shall maintain the
10 confidentiality of the contracts and amendments thereto, until the
11 contracts or amendments to the contracts are open to inspection
12 pursuant to paragraph (3).

13 (w) (1) Records of the Managed Risk Medical Insurance Board
14 related to activities governed by Chapter 8 (commencing with
15 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
16 that reveal the deliberative processes, discussions, communications,
17 or any other portion of the negotiations with health plans, or the
18 impressions, opinions, recommendations, meeting minutes,
19 research, work product, theories, or strategy of the board or its
20 staff, or records that provide instructions, advice, or training to
21 employees.

22 (2) Except for the portion of a contract that contains the rates
23 of payment, contracts for health coverage entered into pursuant to
24 Chapter 8 (commencing with Section 10700) of Part 2 of Division
25 2 of the Insurance Code, on or after January 1, 1993, shall be open
26 to inspection one year after they have been fully executed.

27 (3) Notwithstanding any other law, the entire contract or
28 amendments to a contract shall be open to inspection by the Joint
29 Legislative Audit Committee. The committee shall maintain the
30 confidentiality of the contracts and amendments thereto, until the
31 contracts or amendments to the contracts are open to inspection
32 pursuant to paragraph (2).

33 (x) Financial data contained in applications for registration, or
34 registration renewal, as a service contractor filed with the Director
35 of Consumer Affairs pursuant to Chapter 20 (commencing with
36 Section 9800) of Division 3 of the Business and Professions Code,
37 for the purpose of establishing the service contractor's net worth,
38 or financial data regarding the funded accounts held in escrow for
39 service contracts held in force in this state by a service contractor.

1 (y) (1) Records of the Managed Risk Medical Insurance Board
2 related to activities governed by Part 6.2 (commencing with Section
3 12693) or Part 6.4 (commencing with Section 12699.50) of
4 Division 2 of the Insurance Code, and that reveal any of the
5 following:

6 (A) The deliberative processes, discussions, communications,
7 or any other portion of the negotiations with entities contracting
8 or seeking to contract with the board, entities with which the board
9 is considering a contract, or entities with which the board is
10 considering or enters into any other arrangement under which the
11 board provides, receives, or arranges services or reimbursement.

12 (B) The impressions, opinions, recommendations, meeting
13 minutes, research, work product, theories, or strategy of the board
14 or its staff, or records that provide instructions, advice, or training
15 to employees.

16 (2) (A) Except for the portion of a contract that contains the
17 rates of payment, contracts entered into pursuant to Part 6.2
18 (commencing with Section 12693) or Part 6.4 (commencing with
19 Section 12699.50) of Division 2 of the Insurance Code, on or after
20 January 1, 1998, shall be open to inspection one year after their
21 effective dates.

22 (B) If a contract entered into pursuant to Part 6.2 (commencing
23 with Section 12693) or Part 6.4 (commencing with Section
24 12699.50) of Division 2 of the Insurance Code is amended, the
25 amendment shall be open to inspection one year after the effective
26 date of the amendment.

27 (3) Three years after a contract or amendment is open to
28 inspection pursuant to this subdivision, the portion of the contract
29 or amendment containing the rates of payment shall be open to
30 inspection.

31 (4) Notwithstanding any other law, the entire contract or
32 amendments to a contract shall be open to inspection by the Joint
33 Legislative Audit Committee. The committee shall maintain the
34 confidentiality of the contracts and amendments thereto until the
35 contract or amendments to a contract are open to inspection
36 pursuant to paragraph (2) or (3).

37 (5) The exemption from disclosure provided pursuant to this
38 subdivision for the contracts, deliberative processes, discussions,
39 communications, negotiations, impressions, opinions,
40 recommendations, meeting minutes, research, work product,

1 theories, or strategy of the board or its staff shall also apply to the
2 contracts, deliberative processes, discussions, communications,
3 negotiations, impressions, opinions, recommendations, meeting
4 minutes, research, work product, theories, or strategy of applicants
5 pursuant to Part 6.4 (commencing with Section 12699.50) of
6 Division 2 of the Insurance Code.

7 (z) Records obtained pursuant to paragraph (2) of subdivision
8 (f) of Section 2891.1 of the Public Utilities Code.

9 (aa) A document prepared by or for a state or local agency that
10 assesses its vulnerability to terrorist attack or other criminal acts
11 intended to disrupt the public agency's operations and that is for
12 distribution or consideration in a closed session.

13 (ab) Critical infrastructure information, as defined in Section
14 131(3) of Title 6 of the United States Code, that is voluntarily
15 submitted to the Office of Emergency Services for use by that
16 office, including the identity of the person who or entity that
17 voluntarily submitted the information. As used in this subdivision,
18 "voluntarily submitted" means submitted in the absence of the
19 office exercising any legal authority to compel access to or
20 submission of critical infrastructure information. This subdivision
21 shall not affect the status of information in the possession of any
22 other state or local governmental agency.

23 (ac) All information provided to the Secretary of State by a
24 person for the purpose of registration in the Advance Health Care
25 Directive Registry, except that those records shall be released at
26 the request of a health care provider, a public guardian, or the
27 registrant's legal representative.

28 (ad) The following records of the State Compensation Insurance
29 Fund:

30 (1) Records related to claims pursuant to Chapter 1
31 (commencing with Section 3200) of Division 4 of the Labor Code,
32 to the extent that confidential medical information or other
33 individually identifiable information would be disclosed.

34 (2) Records related to the discussions, communications, or any
35 other portion of the negotiations with entities contracting or seeking
36 to contract with the fund, and any related deliberations.

37 (3) Records related to the impressions, opinions,
38 recommendations, meeting minutes of meetings or sessions that
39 are lawfully closed to the public, research, work product, theories,
40 or strategy of the fund or its staff, on the development of rates,

1 contracting strategy, underwriting, or competitive strategy pursuant
2 to the powers granted to the fund in Chapter 4 (commencing with
3 Section 11770) of Part 3 of Division 2 of the Insurance Code.

4 (4) Records obtained to provide workers' compensation
5 insurance under Chapter 4 (commencing with Section 11770) of
6 Part 3 of Division 2 of the Insurance Code, including, but not
7 limited to, any medical claims information, policyholder
8 information, provided that nothing in this paragraph shall be
9 interpreted to prevent an insurance agent or broker from obtaining
10 proprietary information or other information authorized by law to
11 be obtained by the agent or broker, and information on rates,
12 pricing, and claims handling received from brokers.

13 (5) (A) Records that are trade secrets pursuant to Section
14 6276.44, or Article 11 (commencing with Section 1060) of Chapter
15 4 of Division 8 of the Evidence Code, including, without limitation,
16 instructions, advice, or training provided by the State Compensation
17 Insurance Fund to its board members, officers, and employees
18 regarding the fund's special investigation unit, internal audit unit,
19 and informational security, marketing, rating, pricing, underwriting,
20 claims handling, audits, and collections.

21 (B) Notwithstanding subparagraph (A), the portions of records
22 containing trade secrets shall be available for review by the Joint
23 Legislative Audit Committee, the California State Auditor's Office,
24 Division of Workers' Compensation, and the Department of
25 Insurance to ensure compliance with applicable law.

26 (6) (A) Internal audits containing proprietary information and
27 the following records that are related to an internal audit:

28 (i) Personal papers and correspondence of any person providing
29 assistance to the fund when that person has requested in writing
30 that his or her papers and correspondence be kept private and
31 confidential. Those papers and correspondence shall become public
32 records if the written request is withdrawn, or upon order of the
33 fund.

34 (ii) Papers, correspondence, memoranda, or any substantive
35 information pertaining to any audit not completed or an internal
36 audit that contains proprietary information.

37 (B) Notwithstanding subparagraph (A), the portions of records
38 containing proprietary information, or any information specified
39 in subparagraph (A) shall be available for review by the Joint
40 Legislative Audit Committee, the California State Auditor's Office,

1 Division of Workers' Compensation, and the Department of
2 Insurance to ensure compliance with applicable law.

3 (7) (A) Except as provided in subparagraph (C), contracts
4 entered into pursuant to Chapter 4 (commencing with Section
5 11770) of Part 3 of Division 2 of the Insurance Code shall be open
6 to inspection one year after the contract has been fully executed.

7 (B) If a contract entered into pursuant to Chapter 4 (commencing
8 with Section 11770) of Part 3 of Division 2 of the Insurance Code
9 is amended, the amendment shall be open to inspection one year
10 after the amendment has been fully executed.

11 (C) Three years after a contract or amendment is open to
12 inspection pursuant to this subdivision, the portion of the contract
13 or amendment containing the rates of payment shall be open to
14 inspection.

15 (D) Notwithstanding any other law, the entire contract or
16 amendments to a contract shall be open to inspection by the Joint
17 Legislative Audit Committee. The committee shall maintain the
18 confidentiality of the contracts and amendments thereto until the
19 contract or amendments to a contract are open to inspection
20 pursuant to this paragraph.

21 (E) This paragraph is not intended to apply to documents related
22 to contracts with public entities that are not otherwise expressly
23 confidential as to that public entity.

24 (F) For purposes of this paragraph, "fully executed" means the
25 point in time when all of the necessary parties to the contract have
26 signed the contract.

27 This section shall not prevent any agency from opening its
28 records concerning the administration of the agency to public
29 inspection, unless disclosure is otherwise prohibited by law.

30 This section shall not prevent any health facility from disclosing
31 to a certified bargaining agent relevant financing information
32 pursuant to Section 8 of the National Labor Relations Act (29
33 U.S.C. Sec. 158).

34 SEC. 2. The Legislature finds and declares that this act imposes
35 a limitation on the public's right of access to the meetings of public
36 bodies or the writings of public officials and agencies within the
37 meaning of Section 3 of Article I of the California Constitution.
38 Pursuant to that constitutional provision, the Legislature makes
39 the following finding to demonstrate the interest protected by this
40 limitation and the need for protecting the interest:

1 In order to prevent crimes against applicants for licenses to carry
2 firearms and persons who are licensed to carry firearms, it is
3 necessary that this act take effect.

4 SEC. 3. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

O